

# HOUSE BILL REPORT

## HB 1481

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**As Reported by House Committee On:**  
Technology, Energy & Communications

**Title:** An act relating to electric vehicles.

**Brief Description:** Regarding electric vehicles.

**Sponsors:** Representatives Eddy, Crouse, McCoy, Haler, Carlyle, Armstrong, Hunt, White, Dunshee, Priest, Appleton, Orwall, Rolfes, Hudgins, Hinkle, Upthegrove, Clibborn, Morrell, Ormsby, Kenney, Maxwell, Dickerson and Pedersen.

**Brief History:**

**Committee Activity:**

Technology, Energy & Communications: 1/29/09, 2/16/09 [DPS].

**Brief Summary of Substitute Bill**

- Directs the Puget Sound Regional Council to review and make recommendations regarding development of electric vehicle infrastructure.
- Directs the state to install charging outlets for electric vehicles in areas such as rest stops and state parking and maintenance facilities.
- Provides tax incentives for electric vehicle infrastructure.

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### HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle, Condotta, Finn, Hasegawa, Herrera, Hinkle, Hudgins, Jacks, McCune, Morris, Takko and Van De Wege.

**Staff:** Kara Durbin (786-7133)

**Background:**

Electric Vehicles.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Electricity can be used as a transportation fuel to power electric vehicles. Electric vehicles are propelled by an electric motor powered by rechargeable battery packs. These vehicles typically have limited energy storage capacity, which must be replenished by plugging the vehicle into an electrical source to recharge the battery.

Electricity or Biofuel Use by State Agencies.

By the year 2015, all state agencies and local government subdivisions of the state must satisfy 100 percent of their fuel needs for all vessels, vehicles, and construction equipment from electricity or biofuels. If after 2015, the Department of Community, Trade and Economic Development (DCTED) determines that the 100 percent biofuel use mandate is not practicable, then the DCTED may suspend, delay, or modify the requirement.

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) requires local governments and state agencies to prepare an environmental impact statement (EIS) if proposed legislation or other major action may have a probable significant adverse impact on the environment. The responsible official has authority to make the threshold determination whether an EIS must be prepared. If it appears a probable significant adverse environmental impact may result, the proposal may be altered or its probable significant adverse impact mitigated. If this cannot be accomplished, an EIS is prepared. The EIS is limited, or scoped, to address only the matters determined to have a probable significant adverse environmental impact.

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**Summary of Substitute Bill:**

Puget Sound Regional Council Study.

A regional transportation planning organization containing a county with a population of over 1 million must develop:

- short- and long-term plans for how state and local governments may include electric vehicle infrastructure in parking facilities;
- recommendations to the State Building Code Council (Council) on how future updates to the Council can incorporate standards to support electric vehicle infrastructure; and
- implementation plans for counties over 500,000 in population to achieve 10 percent electric vehicle ready parking by December 31, 2018.

Electricity or Biofuel Use by State Agencies.

State agencies to the extent practicable as determined by the Department of Community Trade and Economic Development (DCTED), must achieve 40 percent fuel usage using electricity or biofuel for publicly owned vessels, vehicles, and construction equipment by June 1, 2013.

Charging and Battery Exchange Stations.

By December 31, 2015, the state must, to the extent practicable:

- install charging outlets capable of charging electric vehicles in each of the state's fleet parking and maintenance facilities;
- install charging outlets capable of charging electric vehicles in all state-operated highway rest stops; and
- install or lease space for installation of a battery exchange and charging station in appropriate state-operated highway rest stops.

#### Lease of Public Property.

State and local governments may lease public property for electric vehicle infrastructure.

#### Review Under the State Environmental Policy Act.

Battery charging stations and battery exchange stations will not lose their categorically exempt status under the State Environmental Policy Act (SEPA) as a result of their being parts of a larger proposal under the SEPA rules.

#### Local Regulation.

Electric vehicle infrastructure is a permitted use in all zones other than residential zones. Any local land use regulatory authority pertaining to electric vehicle infrastructure must not render the project impracticable or significantly delay the project.

#### Tax Incentives.

Electric vehicle infrastructure is exempt from property tax and leasehold excise tax.

The sale of electric vehicles, electric vehicle batteries, or the installation of electric vehicle infrastructure is exempt from retail sales and use tax.

#### Electric Vehicle Infrastructure Regulations.

The State Building Code Council (Council) must, by rule, adopt standards for electric vehicle infrastructure.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill revises the mechanics of the tax provisions in the underlying bill. The exemption from B&O tax is removed. A study to be conducted by the Puget Sound Regional Council is added. The phasing in requirements of the state and local government electricity and/or biofuel requirements are removed and replaced with a 40 percent requirement by June 1, 2013. Provisions encouraging municipal utilities, public utility districts, and investor-owned utilities to use electric vehicles in their fleets are removed. Preemption of local regulation of electric vehicle infrastructure is removed. Additional electric vehicle requirements for counties with a population of over 500,000 are removed. Provisions requiring new private development and renovations to include electric circuitry for electric vehicles are removed.

The State Environmental Policy Act (SEPA) exemption is removed. Instead, the substitute bill specifies that individual battery charging stations and battery exchange stations will not lose their categorically exempt status under the SEPA as a result of being part of a larger proposal under the SEPA rules. The substitute bill specifies that electric vehicle infrastructure is a permitted use in all zones other than residential zones. Provisions directing

the Department of Community, Trade and Economic Development to provide technical assistance to local governments and to develop incentive programs for electric vehicle infrastructure are removed. Provisions defining electrified transportation sector jobs as green economy jobs are removed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Using electric vehicles will help our state achieve its greenhouse gas (GHG) targets. Technology and vehicle miles traveled are part of the solution. The electric vehicle industry is coming, but it is still questionable as to what markets the automobile companies and the electric vehicle infrastructure companies will enter. It is important that there be infrastructure in place in communities so consumers can drive their electric vehicle. Our society doesn't seem to recognize the externalized costs from gasoline, such as noise pollution and runoff into Puget Sound. The government needs to help our state move along in this positive direction. This bill takes an important step to address GHG emissions in the electricity sector. It is important that we move towards zero-emissions transportation. Electric vehicles have zero emissions and function really well for very little cost-per-mile.

Putting in electric vehicle circuitry in new homes is relatively simple. All you need is a dryer outlet. There will be a market for charging stations once manufacturers start building the electric cars on a larger scale.

We are supportive of this bill because it aligns with recommendations of the Climate Action Team, and it is another tool in helping the transportation sector cope with its GHG emissions. There is a potential for the state to play an important role in infrastructure development.

(In support with concerns) We are interested in working with the Legislature to help develop this important infrastructure. We would like to see the preemption of local authority to be narrower, as well as the State Environmental Policy Act (SEPA) exemption. This bill should better define what is exempt. We support using the State Building Code Council to pursue these changes. It is an unfunded mandate for the state to direct larger counties to pursue new development regulations. The timelines under the bill may not be reasonable.

(With concerns) This bill specifies a solution, but unfortunately creates a disincentive for other solutions you might need. Biogas, natural gas, localized hydrogen, and other projects should also be encouraged, not just electricity. There are concerns about highway taxes and fuel taxes being pursued as electric vehicles come on board. We are also concerned about the mandates regarding electric vehicle circuitry in commercial and multi-family developments. The real estate community would prefer that the Legislature create incentives

for these kind of activities, rather than a mandate. There are going to be significant costs for developers in complying with this bill.

We support the concept, but this bill needs further work. There are questions about liability that may occur in public rights-of-way for new facilities. We need to assess the impacts on rural counties of providing the electricity generation to support the use of electric vehicles in urban counties.

We would like to see the provisions regarding electric vehicle circuitry become more specific as to what is required. We want to know the capital costs of having the requisite electric vehicle circuitry in the system would be. It is unclear whether the private sector would have to provide the individual electric metering for each parking space. Automobile dealers are going to be selling a wide range of vehicles in the future with varying propulsion technologies, and some will be more efficient and have better emissions. This bill should encourage all kinds of new propulsion technologies, not just electric vehicles. The mandate for the private sector to provide electric vehicle infrastructure should be revisited. It makes more sense to focus on public locations first.

(Comments only) This bill will help our state achieve its air quality objectives and climate change objectives.

(Opposed) This bill does provide an opportunity for transportation choices, and we support having that available. We are interested in looking at having certain types of facilities that have an environmental impact statement and then not have to go through the SEPA process every time.

**Persons Testifying:** (In support) Representative Eddy, prime sponsor; Clifford Traisman and Jeff Miller, Better Place; Elizabeth Wilmott, King County Executive Office; Graeme Sackrisson; Miguel Perez-Gibson, Climate Solutions; Bill LaBorde, Transportation Choices Coalition; Deb Seymour, Seva; Daniel Davids, Plug-in America; and Jeff Doyle, Washington State Department of Transportation.

(In support with concerns) Dave Williams, Association of Washington Citites.

(With concerns) Scott Nelson, Northwest Natural Gas; Van Collins, The Associated General Contractors of America; Bob Mitchell, Commercial Brokers Association and Commercial Realtors; Greg Hanon, National Association of Industrial and Office Properties; Scott Hazlegrove, Washington State Auto Dealers Association; and Scott Merriman, Association of Counties.

(Comments only) Stu Clark, Department of Ecology.

(Opposed) Jeanette McKague, Washington Realtors.

**Persons Signed In To Testify But Not Testifying:** None.